

REMARKS

In the Final Office Action, the Examiner rejected claims 1 and 11 under 35 U.S.C. § 112, second paragraph; rejected claims 11-19 under 35 U.S.C. § 101; rejected claims 1-4, 6-13, 15-19, and 22 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,017,122 to Lee et al. (Lee); and rejected claims 5 and 14 under 35 U.S.C. §103(a) as unpatentable over Lee and U.S. Patent No. 7,017,122 to Young.

By this amendment, Applicants amend claims 1, 11, and 22 to more clearly define the features of those claims and cancel claims 21 and 23 without prejudice or disclaimer.

Claims 1-19 and 22 are currently pending.

Regarding the rejection under 35 U.S.C. § 112, Applicants amend claim 1 by adding "a border comprising a distinct graphical pattern," which obviates the basis of the Examiner's rejection. Moreover, Applicants disagree with the Examiner's reconstruction of the "at least two concurrently displayed and *non-overlapping* background regions each including one or more related graphical structures" feature of claim 1 to instead be "*overlapping*." Final Office Action, page 2-3. Applicants disclosure (e.g., FIG. 3 and corresponding text) supports this non-overlapping feature, and thus Applicants are entitled to claim the above-noted feature. As such, the rejection of claims 1 and 11 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Regarding the rejection under 35 U.S.C. § 101, Applicants submit that the amendment to claim 11 obviates the basis of the rejection.

The Examiner rejected claims 1-4, 6-13, 15-19, and 22 under 35 U.S.C. §102(e) as anticipated by Lee. Applicants respectfully traverse this rejection.

Lee discloses menu screens of a video apparatus. Moreover, Lee discloses that when a menu item is pressed, the color of the menu item is changed. Specifically, Lee states:

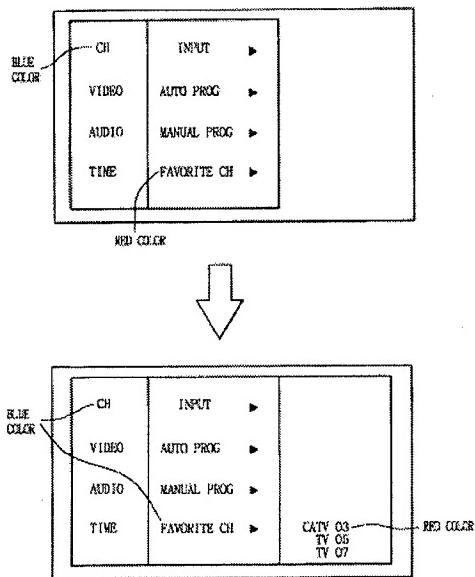
Meanwhile, if a previous step selection key is inputted (S 18), it is judged whether the step register is of '1' (S 19). If the step register is not of '1', that is, if more than two steps are displayed on the current screen, the current step menu is turned OFF (S 20) and the step register is reduced by '1' (S 21).

If an up/turn key is inputted (S 22), the selection menu item is changed and the corresponding menu is displayed in the first color, the red color (S 23).

Consequently, according to the first embodiment of the present invention, the finally selected menu is displayed in the first color, that is, the red color, and the upper menus corresponding to its path are displayed in the uniform color of the second color, that is, the blue color, so that it is easy for the user to currently recognize the finally selected menu of him and its path.

Lee col. 3, lines 50-65. An example of Lee's menu screens is depicted below.

FIG. 4



Lee, FIG. 4.

In contrast to claim 1, Lee merely discloses highlighting menu items using color or shading differences. Lee thus generates the highlights based on the selection of the user rather than the arrangement or relationship of the objects. In short, Lee's user-driven approach *teaches away* from an approach using the arrangement and/or relationships among the objects themselves.

Because Lee generates a user interface with shading based merely on a user depressing a menu item, Lee fails to disclose or suggest at least the following feature of claim 1: "defining an arrangement for a plurality of the object groups, each object group corresponding to at least one relationship in the arrangement, the arrangement corresponding to a hierarchy among the object groups to provide the at least one relationship, the at least one relationship comprising at least one of an overlapping relationship, a disjoint relationship, a one-to-one relationship, and an n-to-one relationship."

Moreover, because Lee fails to disclose the relationships noted above, Lee cannot possibly disclose the following feature of claim 1: "at least two concurrently displayed and overlapping background regions, the overlapping background regions lacking a border comprising a distinct graphical pattern, the border arranged between the overlapping background regions such that a visual transition between the overlapping background regions is defined by a change from an assigned graphic pattern of one of the overlapping background regions to an assigned graphic pattern of the other background region," wherein the "graphic pattern" is assigned based on a graphic pattern that is distinct for each relationship.

In view of the foregoing, claim 1 is not anticipated by Lee, and the rejection under

35 U.S.C. § 102(e) of claim 1, as well as claims 2-4 and 6-10 at least by reason of their dependency from independent claim 1, should be withdrawn.

Claims 11 and 22, although of different scope, include features similar to those noted above with respect to claim 1. For at least the reasons noted with respect to claim 1, claims 11 and 22, as well as claims 12, 13, and 15-19 at least by reason of their dependency from claim 11, are not anticipated by Lee, and the rejection under 35 U.S.C. § 102(e) of those claims should be withdrawn.

The Examiner rejected claims 5 and 14 under 35 U.S.C. §103(a) as unpatentable over anticipated over Lee and Young.

Claim 5 depends from claim 1 and includes all the features recited therein. For at least the reasons noted above with respect to claim 1, Lee fails to disclose or suggest at least the following feature: "defining an arrangement for a plurality of the object groups, each object group corresponding to at least one relationship in the arrangement, the arrangement corresponding to a hierarchy among the object groups to provide the at least one relationship, the at least one relationship comprising at least one of an overlapping relationship, a disjoint relationship, a one-to-one relationship, and an n-to-one relationship." Nor does Lee disclose: "at least two concurrently displayed and overlapping background regions, the overlapping background regions lacking a border comprising a distinct graphical pattern, the border arranged between the overlapping background regions such that a visual transition between the overlapping background regions is defined by a change from an assigned graphic pattern of one of the overlapping background regions to an assigned graphic pattern of the other background region."

Moreover, although Young discloses shading, Young fails to cure the deficiencies noted in Lee. Therefore, claim 5 is allowable over Lee and Young, whether those references are taken alone or in combination, and the rejection of claim 5 under 35 U.S.C. §103(a) should be withdrawn.

Claim 14, although of different scope, includes features similar to those noted above with respect to claim 5. For at least the reasons noted with respect to claim 5, claim 14 is allowable over Lee and Young, whether those references are taken alone or in combination, and the rejection of claim 14 under 35 U.S.C. §103(a) should be withdrawn.

Regarding the motivation to combine, Applicants submit that one of ordinary skill in the art would not be motivated to make the Lee-Young combination proposed by the Examiner. Applicants submit that Lee teaches away from claim 1, as noted above.¹ As such, one of ordinary skill in the art would not be motivated to make the Lee-Young combination proposed by the Examiner. Therefore, the rejection of claims 5 and 14 under 35 U.S.C. §103(a) as unpatentable over Lee and Young should be withdrawn for this additional reason.

¹ MPEP §2141.02 further notes that "a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner. Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner continue to dispute the patentability of the pending claims.

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant is concurrently filing herewith a Petition for a two-month extension of time and Request for Continued Examination with the requisite fee, authorization for a credit card payment of the filing fee is submitted herewith. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No.: 34874-068/2003P00059US01.

If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: 30 March 2009

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